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| APPLICATION NO.               | FILING DATE                    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
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| 09/895,152                    | 07/02/2001                     | David R. Brown       | 2119-0160P              | 9526             |
| 2292 75                       | 90 03/18/2003                  |                      |                         |                  |
| BIRCH STEWART KOLASCH & BIRCH |                                |                      | EXAMINER                |                  |
| PO BOX 747<br>FALLS CHURG     | X 747<br>CHURCH, VA 22040-0747 |                      | CHACKO DAVIS, DABORAH   |                  |
|                               |                                |                      | ART UNIT                | PAPER NUMBER     |
|                               |                                |                      | 1756                    | 5                |
|                               |                                |                      | DATE MAILED: 03/18/2003 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary    Deborah Chacko-Davis   1756   | oʻ  |  | - $(11)$   |  |  |  |  |  |
|--|---|--|--|--|--|--|--|--|
| ## Daborah Chacko-Davis   1756    ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address  ## Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Exhaustion of time may be enabled under the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the provisions of 31°CPR 1.150(a). In no event, however, may a rely be time the fill of the communication. In the provisions of the provision of the provisional application in the provisional application of the foreign language provisional application in provisional application in provisional application of the foreign language provisional application of Information of the provisional application of the forei   |   | Application No.  | Applicant(s)   |  |  |  |  |  |
| Datorah Chacko-Davis   1756    Datorah Chacko-Davis   1756    Period for Reply    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \( \frac{1}{2} \) MONTH(S) FROM    THE MAILING DATE OF THIS COMMUNICATION.    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \( \frac{1}{2} \) MONTH(S) FROM    THE MAILING DATE OF THIS COMMUNICATION.    If the period for reply specified above is less than thirty (20) days, a reply within the statution minimum of thirty (30) days wit be considered treely.    If the period for reply specified above is less than thirty (20) days, a reply within the statution minimum of thirty (30) days wit be considered treely.    If the period for reply specified above is less than thirty (20) days, a reply within the statution minimum of thirty (30) days wit be considered treely.    If the period for reply specified above is less than thirty (20) days, as reply within the statution minimum of thirty (30) days wit be considered treely.    If the period for reply specified above is less than thirty (20) days, as reply the statution of thirty (30) days wit be considered treely.    If the period for reply specified above is less than thirty (20) days, as reply be similarly filled. The thirty of the days are replected in the communication, as the fill of thirty replection is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A) Claim(s)   |   | 09/895,152   | BROWN ET AL.   |  |  |  |  |  |
| The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time may be available under the procession of 3 CERT 1.13(ig.). In revent, however, may a reply be timely filed  Education of time may be available under the procession of 3 CERT 1.13(ig.). In revent, however, may a reply be timely filed  If the period for reply specified above is loss than thirty (30) days, and specified procession of the period for reply specified above, the maximum staturous proad will apply and will supplied (MONTHS) from the maling date of this communication.  Finally to reply whith the set or extended privated for reply will, by statuto, passed the application to become ABANGCOKED (30 U.S.C. § 133).  Finally to reply whith the set or extended private for reality set or the communication to the communication of the communication.  Finally to the period for the set of the communication of the communication to the communication of the communication of the communication.  Finally to the period of the set of the communication of | Office Action Summary   | Examiner   | Art Unit   |  |  |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ***are SIX (8) MONTHS from the mailing date of this communication.  ***IP to princid to reply appedied above, the maximum statutory period will apply add will grow six (8) MONTHS from the mailing date of this communication.  **IP to princid to reply appedied appedied above, the maximum statutory period will apply add will grow SIX (8) MONTHS from the mailing date of this communication.  **IP to princid to reply appedied appedied above, the maximum statutory period will apply add will grow SIX (8) MONTHS from the mailing date of this communication, even if kinety fleet, may reduce any seared palent term adjustment. See 37 CFR 1.794(b).  **Status**  1)  |   |  |  |  |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enterosine of time may be available under the provision of 30°CPR 1.136(a). In no event, however, may a raply be timely filed  if the panied for reply appendied above is less than thirty (30° days, a reply within the statutory minimum of thirty (30°) days, a reply within the statutory minimum of thirty (30°) days, a reply within the statutory minimum of thirty (30°) days, and the considered dated).  Failure is reply within the set or extended pende for reply will, by adultion, assay (30°CPR 1.704(b).  Failure is reply within the set or extended pende for reply will, by adultion, cause the application to become Aphillo (16°C) (30°CS, § 133), and reply will be statutory minimum of the top of the communication.  Failure is reply within the set or extended pende for reply will, by adultion, cause the application to become Aphillo (16°C) (30°CS, § 133), and reply will be statutory minimum of the top of the communication.  Failure is reply within the set of extended pende for reply will, by adultion, and the communication.  This action is FINAL.  2b) This action is final.  2b) This action is final.  2b) This action is condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-35 is/are pending in the application.  4a) Of the above claim(s)   |   | ears on the cover sheet with the c   | correspondence address   |  |  |  |  |  |
| 2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-35 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  7)  Claim(s) is/are epiected.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved by is any if approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  | <ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute,</li> <li>Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul> | 36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE | nely filed  rs will be considered timely.  the mailing date of this communication.  D (35 U.S.C. § 133). |  |  |  |  |  |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s)   | 1) Responsive to communication(s) filed on <u>02 J</u>  | <u>'uly 2001</u> .   |  |  |  |  |  |  |
| closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-35 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-35 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filled on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  10  Notice of References Cited (PTO-892)  21  Notice of Oraftsperson's Patent Drawing Review (PTO-948)   | 2a)☐ This action is <b>FINAL</b> . 2b)⊠ Thi   | is action is non-final.  |  |  |  |  |  |  |
| Disposition of Claims  4)  Claim(s) 1-35 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 1-35 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.  Attachment(s)  10 Notice of References Cited (PTO-892)    Notice of Oraftsperson's Patent Drawing Review (PTO-948)  5   Notice of Informal Patent Application (PTO-152)   | <i>'</i> — ''   |  |  |  |  |  |  |  |
| 4a) Of the above claim(s) is/are withdrawn from consideration.  5)   |   | Ex parto Quayro, 1000 O.D. 11, 9   | 0.0.210.   |  |  |  |  |  |
| 5)  Claim(s) is/are allowed. 6)  Claim(s) is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) is/are objected to. 8)  Claim(s) is/are objected to. 8)  Claim(s) is/are subject to restriction and/or election requirement.  Application Papers 9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a)  accepted or b) objected to by the Examiner.   | 4) Claim(s) 1-35 is/are pending in the application  |  |  |  |  |  |  |  |
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| Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Informal Patent Application (PTO-152)  | 7) Claim(s) is/are objected to.   | 7) Claim(s) is/are objected to.  |  |  |  |  |  |  |
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| 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)  |   | •  |  |  |  |  |  |  |
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Application/Control Number: 09/895,152

Art Unit: 1756

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-28, are drawn to a method, classified in class 430, subclass 322.
- II. Claims 29-35, are drawn to a product, classified in class 430, subclass 5.

  The inventions are distinct, each from the other because of the following reasons:
- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the method of forming a mask does not require melting a portion of the photosensitive material to reduce surface roughness error.
- 3. A telephone call was made to Mr. David R. Anderson on March 4, 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (703) 306-5923. The examiner can normally be reached on M-F 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (703) 308-2464. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1193.

dcd

March 10, 2003.

MARK F. HUFF SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1700